

Clark County Rural Zoning Commission
Regular Meeting – 8:30 a.m.
Wednesday, August 10, 2005

County Offices – Municipal Courts
Building
Public Chambers
5th Floor, 50 East Columbia Street
Springfield, OH 45502

AGENDA

- 1. Minutes – July 13, 2005 (Regular)** *Discussion &
Action*

- 2. Rezoning Case** **White Oak Communities/Creekside Communities, Inc.** *Discussion &
Action*
 Z-2005-3 Mad River Township ~ 14.837 acres
 7689 Dayton Rd.
 R-2 to PD-R (Planned Development (Residential) District)

- 3. ZA-2005-1** **County Zoning Amendments** *Discussion &
Action*

- 4. Staff Comments** *Discussion*

- 5. Adjournment** *Action*

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Minutes

Clark County Rural Zoning Commission

Regular Meeting ~ 8:30 a.m.
Wednesday, July 13, 2005

County Offices/Municipal Courts Building
Public Chambers
5th Floor, 50 East Columbia Street
Springfield, Ohio

Mr. Tom Crosbie, Chairperson of the Clark County Rural Zoning Commission, called the meeting to order at 8:30 a.m.

Present: Mr. Tom Crosbie, Mr. John Baird, Mr. Gary Cummins, Mrs. Linda Smith, Mrs. Jerri Taylor, and Mr. Ron Rhine (alternate).

RZC: 7-9-2005: Minutes ~ April 13, 2005

Motion by Mrs. Taylor, seconded by Mr. Baird to approve the minutes as printed.

VOTE: Motion carried unanimously.

Z-2005-4 Rezoning Case ~ James L. Watt ~ Mad River Township ~ 27 acres ~ southwest corner of Fowler Road and Fairfield Pike ~ A-1 to R-1 (Rural Residential District)

Mr. Tritle, Planning Staff, presented the report on the rezoning case submitted by James L. Watt. He highlighted information contained in the staff report and on the maps.

- The County Engineer expressed concerns regarding access along Fowler Road. Due to the topography and possible site distance conflicts, individual access to each lot may not be possible. This can be addressed after the rezoning and during the subdivision process. Improvements will be required along Fowler Road.
- Clark Soil and Water Conservation noted that the site appears to drain well. If developed, Soil Conservation recommends that the entire west side of Clear Creek and a minimum of 100 feet on the entire east side of the stream should be excluded from the rezoning request. Soil Conservation does not object to the proposed rezoning request, providing that their concerns are addressed.
- The Combined Health District indicated that there are up to four building sites that are suitable for development.
- Mad River Township Planning Committee recommends that this rezoning request be denied because it does not meet the Crossroads Comprehensive Plan and the Mad River Township Trustees concur.

Planning Staff recommends rezoning to AR-2 (Agricultural/Residential) District. Staff feels that AR-2 is more appropriate because it permits a minimum lot size of 2 acres and a maximum lot size of 4.99 acres. The proposed development would fit within these acreage figures. Staff also noted that a "non-building" / "open space" easement along Clear Creek will be considered as part of the plat when this area comes back for review and approval under the County Subdivision Regulations. In addition, the number of final lots will be determined by the County Health District's requirements and/or the County Engineer's access limits.

The Clark County Planning Commission recommended denial at the July 6, 2005 meeting.

Chairperson Crosbie opened the public hearing and asked for proponents.

Andrew Hellmuth, Link-Hellmuth Real Estate and representative for James L. Watt explained that the original request has been reduced to approximately 6.5 acres for rezoning to R-1. He is satisfied that they will be able to design lots in accordance with all of the issues and is aware that the final configuration may be different from the initial proposal. The remaining 20.5 acres would remain A-1.

Mrs. Taylor asked if there is a way that the board could make a recommendation requiring a shared driveway because of the concerns about site distance on Fowler Road. She also inquired about the future development plans for this area.

Mr. Tritle responded that the Comprehensive Plan shows the area as agriculture/residential which is one lot for every two acres. Because of potential site distance problems, the developer could voluntarily put in shared driveways. The County Engineer could require shared driveways after the rezoning.

The driveway issue was discussed among the board members.

Mrs. Taylor asked if Mad River Township Planning Committee's recommendation would change if they knew that the request has been changed to 6.5 acres.

Mr. Tritle responded that a representative from the Mad River Township Planning Committee was present at the County Planning Commission meeting and the main objection is that the R-1 designation does not follow the Comprehensive Plan. An AR-2 zoning designation does.

Mr. Crosbie asked if the 6.5 acres could be rezoned to AR-2.

Mr. Hellmuth responded that not all of the potential lots in this 6.5 section could be configured to meet the 2 acre requirement.

Mr. Shane Farnsworth explained the difference between R-1 and AR-1 zoning.

Chairperson Crosbie asked for opponents. There being none, he closed the public hearing and asked for a motion.

RZC: 7-10-2005: Z-2005-4 ~ Rezoning Case ~ James L. Watt ~ Mad River Township

Motion by Mrs. Taylor, seconded by Mr. Baird to Approve the amended request of James L. Watt to rezone 6.5 acres located in the southeast quadrant of the original parcel which is located at the southwest corner of Fowler Road and Fairfield Pike in Mad River Township from A-1 to R-1 (Rural Residential District). The remaining 20.5 acres would remain A-1.

VOTE: Motion carried unanimously.

Minutes

Clark County Rural Zoning Commission

Staff Comments

None.

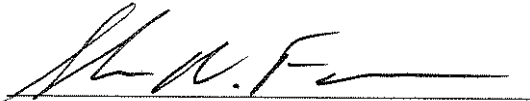
Adjournment

RZC: 7-11-2005: Adjournment

Motion by Mr. Baird, seconded by Mrs. Smith to adjourn the meeting.

VOTE: Motion carried unanimously.

The meeting was adjourned at 9:14 a.m.



Shane W. Farnsworth, Secretary

NOTE FOR MINUTE BOOK: See additional information included following the minutes.

Rezoning Case # Z-2005-3

To: Clark County Rural Zoning Commission	Date of Meeting: August 10, 2005
From: Planning Staff	Date of Report: July 26, 2005

Applicant: White Oak Communities / Creekside Communities

Request Action: Rezone **from - R-2** (Low Density Single-Family Residence District)
to - PD-R (Planned Development [Residential] District)

Purpose: To develop a Planned Condominium Community

Location: 7689 Dayton-Springfield Rd.

Size: 14.836 Acres

Existing Land Use: Agriculture (undeveloped)

Surrounding Land Use and Zoning:

	Land Use	Zoned
North	Commercial & Condos	B-2, B-1S, PUD, PCD & B-3
South	Residential & Agriculture	A-1 (Agricultural) & R-2
East	Agriculture	A-1 (Agricultural)
West	Residential	R-2 (Low Density Residence)

ANALYSIS

This area was zoned R-2 (Low Density Residence) in 2001. In 2000, this area was requested to be rezoned to R-4 (Multiple-Family Residence) District but was withdrawn. This request was submitted for the July County Planning Commission meeting but was withdrawn for one month to allow additional time to modify the PD-R Plan.

REPORTS FROM OTHER AGENCIES

County Engineer

The County Engineer has reviewed the revised zoning application submitted for Creekside Condominiums, relative to the street layout/drainage system and offer the following comments relative to Chapter 4, Section A Paragraph 4;

- 1) Direct access to a major Street is required, where the development density exceeds 4 units per acre. This plan indicates 5.77 units per acre. There is no existing major street, which provides access to the proposed development, although the plan does show a proposed public road being planned from Dayton Road south and extending approximately 1400 feet.

- 2) The proposed public street must meet or exceed collector street design standards for pavement width, composition and pedestrian traffic. The public road typical section proposed does not currently meet that requirement. These items are not typically reviewed or approved during the zoning process, but instead during the subdivision submission.
- 3) There is no street lighting proposed.
- 4) Provisions for vehicular traffic are addressed by proposing a private street system, consisting of an uncurbed street with enclosed side swales.
- 5) Concerning drainage & stormwater requirements, the site developer will be required to provide storage for stormwater runoff in accordance with local regulations. An outlet is available on site and the actual design will be incorporated into the site design, if approved.

The County Engineer has no objection to the proposal to rezone 14.837 acres from R-2 to PD-R Planned Development Residential, subject to the above comments..

(See July 26, 2005 letter)

Soil Conservation

The Clark Soil & Water Conservation District has reviewed the above request and provided the following comments regarding soils, drainage and stormwater management.

Soil types on this site include Eldean (EmA), which are nearly level and well drained. Soil limitations for dwellings with or without basements are rated Slight-Moderate due to shrink/swell. Because sewer and water is available, the Soil Potential Index ratings are not included.

Construction activities which will result in the disturbance of one or more acres of land must obtain coverage by the National Pollutant Discharge Elimination System (NPDES) permit. The owner/developer shall submit a Notice of Intent application to Ohio EPA at least 21 days prior to the start of construction. The NPDES Phase II Construction Permit was finalized in 2003 and requires additional components to address stormwater in developments. One specific component includes Post-Construction Stormwater Management. A combination of both structural and non-structural BMPs should be utilized, such as grassed swales, infiltration trenches and basins, and greenspace. It is recommended that a "preliminary SWPPP" be provided to our office for review prior to submittal of final plans to County Planning.

Chapter 4 ~ Planned Development District Requirements and Procedures

Section A. 6 Criteria for Approval.

h) That commons areas and open space will be managed and maintained for the long term. Specify how the open areas, specifically along Mud Run will be maintained. Although plans have indicated that the floodplain will be left undisturbed, additional information is needed regarding ownership and maintenance of the area.

Section A. 8. Preliminary PD Plan

10) Location and size of proposed open space, and whether it is to be used for active recreational purposes or only as an environmental amenity. Specify how the open areas, specifically along Mud Run will be maintained. Although plans have indicated that the floodplain will be left undisturbed, additional information is needed regarding ownership and maintenance of the area.

This office does not object to the proposed zoning request, providing the above items are addressed.
(See July 26, 2005 letter)

County Utilities Department

The Clark County Utilities Department has reviewed the preliminary plan set for Creekside Condominiums prepared by Buckeye Civil Design, LLC. The plan set consists of two (2) plan sheets. Our review comments for the referenced plan set are attached.

Based on our review, we recommend that the Commission approve the preliminary plans as they relate to utilities contingent upon the plans addressing the attached comments and the property being re-zoned. Note that our review and conditional approval of the plans does not preclude future review and comments of the final development plans by the Utilities Department. (See June 15, 2005 letter)

CLARK COUNTY UTILITIES DEPARTMENT REVIEW COMMENTS			PROJECT: Creekside Condominiums
			Plan Set Information (2 plan sheets)
			Dated Received: 6-9-05
			Plot Date: 5-18-05
			Prepared By: Buckeye Civil Design
			Reviewed By: C. Bauer
Item	Description	Sheet/Pg Ref.	Comment
1	Extension of waterline along Hunter Drive	1 of 2	Extension of a 12-inch diameter public waterline will be required from Dayton-Springfield Road to the southern terminus of Hunter Drive. An 8-inch waterline will also be required from the 12-inch line on Hunter road to interior condominium waterline loop.
2	Water/sewer lines	1 of 2	Clarify if the proposed utilities within the condominiums are intended to be public or private.
3	Water/sewer capacity	NA	There is adequate sewer and water system capacity for the proposed development. The Department will present a summary of system capacities as they relate to this project under separate cover.
4	Ohio EPA Approvals	NA	Ohio EPA approvals for the sewer and water systems are required.

Combined Health District

No report - development on public sewer & water

Mad River Township Planning Committee

A representative of the Mad River Township Planning Committee spoke at the County Planning meeting on August 3rd and indicated they are not opposed to the project.

Mad River Township Trustees

The Mad River Township Trustees have no objection to and ask that you approve the rezoning request by White Oak Communities / Creekside Communities, case Z-2005-3. The request involves the rezoning of 14.836 acres located in Mad River Township from R-2 to PD-R. (See August 1, 2005 letter)

Planning Department

The Clark County Comprehensive Plan identifies this area as Medium density residential development (4 to 6 dwellings per acre - gross density) and should be directed to existing residential growth areas, where it can be serviced by central water and sewer service. New residential development should not be located in close proximity to established or planned industrial areas. Supporting commercial uses are appropriate, but only at key intersections.

We have received a letter from a surrounding property owner which is included with this report.

The PD-R plan shows a development consisting of 15 four-unit condos buildings (60 units) with a clubhouse and pool. This differs from the original PD-R Plan which showed 18 four-unit condos. Three four-unit condos were removed from the flood plain area. Also, the name of Hunter Drive has been changed to Hunters Creek Drive.

RECOMMENDATION

The reports above indicate that there are items that need to be addressed most of which will be addressed at the Final Approval stage - at the subdivision stage..

Although the Planning Staff has no issues with the concept, the following items need to be addressed/changed:

1. Identify specifically (in text & plan map) the type of landscaping to be provided along Hunters Creek Drive; in the areas where the previous buildings were removed; and along Mud Run.
2. Identify who and how open areas will be maintained.
3. On the condo unit landscaping plan change the name "Abbey Canterbury Planting Plan" to "Creekside Condo Planting Plan"
4. Indicate whether the utilities will be public or private.

These items should be dealt with as soon as possible preferably prior to the Rural Zoning Commission action.

Clark County Planning Commission

Meeting Date: August 3, 2005

Motion by Mr. Cordle, second by Mr. Bicknell to recommend **approval** to the Rural Zoning Commission for the request by White Oak Communities/Creekside Communities to rezone 14.836 acres located at the 7689 Dayton-Springfield Road, Mad River Township from R-2 to **PD-R** (Planned Development [Residential] District)

VOTE: Approved unanimously.

Attachments:

PD Table

County Engineer's letter

Soil Conservation District's letter

Mad River Township Trustee's letter

Surrounding Property Owner letters

Location Map

Zoning Map

CHAPTER 4 PLANNED DEVELOPMENT DISTRICT REQUIREMENTS AND PROCEDURES**Section A PD Planned Development Districts
Requirements and Procedures**

1. Intent. The intent of the Planned Development Districts is to establish a zoning procedure for the development of areas on a planned basis in accordance with an overall Development Plan and specific procedures for site plan review and approval. In addition, it is proposed to be flexible in the regulation of basic land planning and to encourage imaginative site planning that serves the overall development. Planned Development Districts are intended to be located in areas which are served with appropriate infrastructure.
2. Purpose. The PD Planned Development District is established to:
 - (a) Permit flexibility in the use and design of structures and land in situations where conventional development may be inappropriate and where modifications of requirements of the underlying zone will not be contrary to the intent and purpose of the Zoning Code, inconsistent with the Land Use Plan, nor harmful to the neighborhood.
 - (b) Conserve land through more efficient allocation of an overall development design through new techniques not available through strict adherence to usual zoning standards.
3. Applicability. The provisions of this Chapter may apply to any land within the unincorporated area of the County that are regulated by County Zoning, which are to be developed in a more flexible manner than permitted by the provisions of Chapter 2 of these Regulations. All requirements of the Clark County Subdivision Regulations shall be complied with.

ZONING REGULATIONS	COMMENTS
<p>4. Development Requirements.</p> <ol style="list-style-type: none"> (a) The physical character of the site shall be suitable for development in the manner proposed, without hazards to persons or property on or off the site from possible flooding, erosion, subsidence or other dangers, annoyances or inconveniences. (b) The site shall have direct access to a major street* and not generate traffic on minor residential streets outside the district. This requirement does not apply to single family detached residential developments having an overall density of four dwelling units per acre or less. (c) Utilities and public facilities for the proposed development shall be installed at the expense of the developer. (d) The development shall provide for efficient, safe, convenient and harmonious grouping of structures, uses and facilities. (e) There shall be an appropriate relationship of space, inside and outside buildings, to the intended uses and structural features. (f) Provision shall be made at points of ingress, egress and within the district to ensure a free and safe flow of vehicular and pedestrian traffic. (g) Common areas and open space may be required. (h) All off-street common parking for more than five cars, all service areas for loading and unloading vehicles, and all areas for storage and collection of trash and garbage shall all be properly screened. <p>5. Standards for Planned Development "PD" Districts.</p> <ol style="list-style-type: none"> (a) The planned development should be completed within the period of time specified in the schedule of development submitted by the developer. (b) The planned development shall not jeopardize public health, safety and morals. 	<p>The site appears to be suitable but will need to allow for possible changes due to Flood Plain. This development will be similar to "Willows at Winding Creek", a successful condo adjacent to this tract.</p> <p>A new public street will provide almost direct access to Dayton-Springfield Road.</p> <p>This is being provided by the developer.</p> <p>The grouping will be similar to Willows at Winding Creek.</p> <p>A new public street will provide access to Dayton-Springfield Rd.</p> <p>An area for a clubhouse & pool are provided.</p> <p>Not shown.</p> <p>Two phases. Total timetable - 4 years</p>

ZONING REGULATIONS	COMMENTS
<p>(c) The street system within the site shall be designed to adequately serve the proposed development, relative to use and type. If warranted or recommended by the County Engineer, the developer may be required to submit a traffic study to determine whether offsite improvements or devices are needed to maintain a suitable level of service on the adjacent public roadways.</p> <p>(d) The development should not impose an undue burden on public services, utilities, or other infrastructure and facilities, including fire and police protection.</p> <p>(e) The development plan shall contain such proposed covenants, easements and other provisions relating to the proposed development standards, as are reasonably required for public health, safety and morals.</p> <p>(f) The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the surrounding land uses, and any part of the planned development not used for structures, parking and loading areas, or accessways, shall be landscaped, improved, or otherwise used appropriately in concert with the overall development.</p> <p>(g) When a planned development provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear a relationship equal to or greater than to the total open space to be provided in the entire planned development as such stages or units completed or under development bear to the entire planned development.</p> <p>(h) A major change in the development plan is defined as:</p> <ol style="list-style-type: none"> (1) an increase in the proposed baseline density of the entire project or any phase/section thereof of greater than 15% (2) a change in the proposed uses (3) a change in the proposed utilization of public infrastructure of more than 15% 	<p>The applicant indicates the plan is being modified to take comments from County Engineer into account.</p>
<p>6. Criteria for Approval. In approving an application for a Planned Development the reviewing authorities shall determine:</p> <p>(a) That the proposed development is consistent with the purpose and intent applicable standards of these Zoning Regulations and the Comprehensive Plan.</p> <p>(b) That each individual section of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective will be attained.</p> <p>(c) That the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other Zoning Districts in these Regulations.</p> <p>(d) That the internal streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic.</p> <p>(e) That any part of the development not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved unless left in a natural state.</p> <p>(f) The plan is acceptable, or will be acceptable, to the County Engineer, Clark Soil & Water Conservation District, the Combined Health District or Ohio EPA and the provider of public sewer and water (if applicable).</p>	<p>The plan is shown as a PD-R. The Comprehensive Plan shows the area as Medium Density Residential which is 4 to 6 dwellings per acre gross density. This plan is at 5.77 units/acre.</p> <p>According to the applicant, the Homeowners Association will maintain the landscape for common areas and the natural open area along Mud Creek.</p> <p>These agencies have noted needed changes. The applicant is working on these modifications.</p>

ZONING REGULATIONS	COMMENTS
<p>(g) That significant cultural, historical, and natural amenities of the site are preserved and protected.</p> <p>(h) That common areas and open space will be managed and maintained for the long term.</p> <p>(i) That infrastructure, including sewer and water, will be sufficient for the needs of the occupants and not precipitate health or safety problems in the future.</p> <p>7. The applicant/owner/developer is encouraged to undertake informal discussions of a concept plan with the County Planning staff prior to submitting a preliminary PD plan.</p> <p>8. Preliminary PD Plan. The owner of land who wishes to develop his property according to the provisions of this chapter, shall submit six (6) copies of a preliminary PD plan and application for preliminary approval. The preliminary PD plan for the use and development of the area of land shall list all requested variations from requirements of the underlying district in which the tract of land is located. The preliminary PD plan may show a range of dimensions and need not have the specificity of the final plan. The application shall be accompanied by the following:</p> <p>(a) A location map affixed to the plan.</p> <p>(b) A preliminary PD plan of the proposed development drawn to an appropriate scale, showing:</p> <p>(1) Existing and proposed uses.</p> <p>(2) Topographic contours at two (2) foot intervals or less on the PD property and within two hundred (200) feet of the proposed development.</p> <p>(3) Location of floodplain and wetlands on the PD property and adjacent thereto.</p> <p>(4) Location of existing and proposed streets, including points of connection.</p> <p>(5) Location of existing and proposed utilities, including points of connection.</p>	<p>According to the applicant, the Homeowners Association will maintain the landscape for common areas and the natural open area along Mud Creek.</p> <p>County Utilities Dept. indicates there is adequate sewer & water capacity for this project.</p> <p>Shown on plan drawing.</p> <p>The planned development is proposed for Clark County, Mad River Township, Ohio Section 12, Township 3, Range 8 consisting of 14.837 acres more or less. Currently, the parcel is used for agricultural purposes and we propose to develop a planned condominium community consisting of 60 units with clubhouse and pool.</p> <p>The parcel has changes in elevation less than two feet over the portion available for development. Adjacent property is already developed and has limited changes in elevation. (Topo map submitted).</p> <p>A flood zone encompassing Mud Run lies on the southern boundary and would be undisturbed. No wetlands have been identified on the parcel to be developed.</p> <p>A stub street off Dayton Springfield Road, designated as Hunters Creek Drive, has been approved for access to the parcel and will be installed simultaneously with the development of a shopping center by One Enon Company on a commercial lot to the north. This street would be continued to Mud Run and dedicated to Clark County, built to county standards. A singular, private access for the condominium would be established off this roadway. A private drive would service the condominium and be maintained by the association.</p> <p>An 8" waterline runs along the northeast boundary of the parcel and would be extended for use with the condominium. Water would be purchased from Clark County and supplied from the Village of Enon. An existing sewer manhole is located along the southeast corner of the parcel contributing to the Southwest Waste Treatment Facility.</p>

ZONING REGULATIONS	COMMENTS
<p>(6) Location and type of drainage and storm water management facilities.</p> <p>(7) Approximate number of structures, by type use and size, proposed for the planned development.</p> <p>(8) For non-residential uses:</p> <p>a) building size-to-lot ratio</p> <p>b) plans for storage of any items outside of buildings</p> <p>c) signage standards</p> <p>(9) Proposed general arrangement of the buildings.</p> <p>(10) Location and area (size) of proposed open spaces either to be held in common or publicly, and whether it is to be used for active recreational purposes or only as an environmental amenity.</p> <p>(11) Sketches to show the general architectural design of buildings, types and character of the development.</p> <p>(12) Legal description of the tract of land for the planned development.</p> <p>(13) Parking provisions.</p> <p>(14) Loading facilities, if any.</p> <p>(15) Proposed landscaping approach (theme).</p> <p>(16) Such other information as is necessary to ascertain compliance with the requirements of this chapter.</p> <p>(17) An overview of existing and planned uses in surrounding area and expected impact of the proposed development on them.</p>	<p>Two areas of detention are designated along the eastern most and western most boundaries of the property. These areas would use a controlled release into Mud Run.</p> <p>The development would include fifteen (15) condominium buildings with four (4) units each for residential living. One clubhouse and one pool would be included for common use.</p> <p>N/A</p> <p>Buildings would be clustered around the private street as shown on the layout exhibit.</p> <p>Limited common areas would be designated outside each unit for the primary use of that particular resident. The balance of the parcel not occupied by residential buildings would be common space for the recreational benefit of all condominium residents.</p> <p>Creekside condominium would consist of two distinct building styles and four unique floor plans. The European design uses stone fronts, brick soldiers around round top windows shown on the elevation drawings included.</p> <p>See attached Exhibit B.</p> <p>Each condominium unit will include a 2-car garage with 2 additional spaces off-street. The private street through the development will be wide enough for parking on one side. Appropriate parking will be provided for clubhouse use.</p> <p>N/A</p> <p>Each unit would be landscaped with small bushes and assorted perennials. Street trees and a landscaped entry feature would be incorporated and any unoccupied area remaining would be grassed. By removing three residential buildings, the plan will incorporate more open space which will (be) grassed as well.</p> <p>A typical screening unit has been approved for screening between the commercial lot to the north and Hunter's Glenn residential. This same typical screening unit would be continued along Hunters Creek Drive for screening of the condominiums. See Exhibit H.</p> <p>Proposed Bylaws for condominium owners have been included illustrating the code of regulations for each homeowner.</p> <p>North: Commercial Shopping Center. Given planning in place and cooperation of developers, no impact would be expected considering close timing of developments.</p> <p>East: Condominium Development. The buildings will differ slightly and the condominium communities will be independent of one another making for harmonious neighbors.</p> <p>South: Agricultural. Current agricultural use will be separated by Mud Run and be unaffected.</p> <p>West: Single Family Residential. Joint access is not planned resulting in no impact.</p>

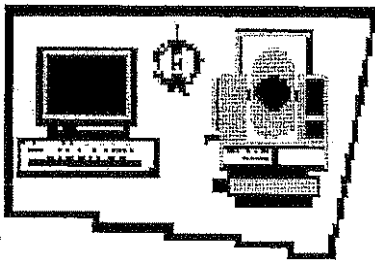
ZONING REGULATIONS	COMMENTS
(18) General description of natural features of the site (trees, vegetation, floodplain, wetlands, streams) and approach for preserving and protecting them during construction and final build out.	The parcel is vacant with no natural features. Mud Run and its associated floodplain will not be disturbed and general NPDES regulations will be adhered to.
(19) Proposed timetable for development including general description and diagram of phases of development.	Development will be broken into two phases (see Exhibit G). Build out for each phase would be expected to be two years for a total timetable of four years.

CHAPTER 4

Section B PD-R Planned Development - Residential District Requirements and Procedures

1. Intent. The intent of the PD-R district regulations is to:
 - (a) Provide flexibility in architectural design, placement and clustering of buildings, use of open space, provision of traffic circulation facilities and parking, and related site and design considerations;
 - (b) Encourage the preservation and best use of existing landscape features through development sensitive to the natural features of the surrounding area;
 - (c) Promote efficient land use with smaller networks of utilities and streets;
 - (d) Encourage and preserve opportunities for energy efficient development;
 - (e) Promote an attractive and safe living environment that is compatible with surrounding residential developments; and
 - (f) Provide an alternate method for redeveloping older residential areas and to encourage infill development.
2. Permitted Uses. Those uses specified as permitted principal uses, permitted accessory uses, and conditional uses in the "R-1", "R-2", "R-2A", "R-3", and/or "R-4" residential zoning districts, developed in a unified manner in accordance with the approved development plan.
3. Applicability. Housing shall be permitted as follows:
 - (a) For development of land of two (2) acres or more.
 - (b) For development of land less than two (2) acre where such development is more appropriate and more efficient than conventional development because of environmentally sensitive areas, existing natural features or scenic assets, the amount of land available for infill development, or because of the age of existing development in the vicinity.
4. General Requirements. All PD-R developments shall meet the following criteria:
 - (a) Land uses. Any residential uses are permitted. Combinations of land uses may include single-family, multifamily, and group care facilities.
 - (b) Variations. Variations in the requirements of the underlying district may be permitted. However, setbacks required by the Ohio Basic Building Code, legislated by the State of Ohio, or the Ohio Residential Code For One-, Two-, and Three-Family Dwellings, whichever is applicable, shall be provided.
 - (c) Dwelling unit density. The dwelling unit density shall be calculated on the buildable acreage (gross acreage less public and/or private street right-of-way, flood plain, etc.) divided by the minimum lot size (square footage) for the allowed "R" Zoning District. Lot sizes can be less than the minimum designated in the "R" District provided the dwelling unit density of the buildable acreage does not exceed the density permitted in the "R" District. Density should be in accordance with the comprehensive plan.

- (d) Streets. Planned developments shall make provision for the extension of streets, if any.
 - (e) Storm water management. The planned development shall comply with the requirements for storm water management, including the provision of detention or retention basins. The developer shall submit a legally binding instrument setting forth the procedures to be followed in maintaining the areas and the means for financing maintenance costs. Generally, such costs shall be shared by all owners of property located within the planned development, with unpaid costs becoming a lien against individual properties.
 - (f) Open space. Except in a conventional subdivision, planned developments are encouraged to provide open space for flood control, agriculture, active or passive recreational purposes, etc., and to enhance the general character of the area. In the event the open space land is to be retained under private ownership, the developer shall submit a legally binding instrument setting forth the procedures to be followed in maintaining the areas and the means for financing maintenance costs as with storm water detention or retention basins in Subsection (e) above.
 - (g) Dedication of land for public or common use. All proposed dedications of land for public or common use, including those to be dedicated for recreational use, shall be approved in writing by appropriate departments of the County before the approval of the plan by the County Commission.
 - (h) Ownership. At the time of approval of a preliminary plan, the developer must submit evidence of ownership of the property to be developed or show evidence of a legally binding executed option agreement for purchasing all the property.
 - (i) Schedule of completion. A developer or sponsor of a planned development shall submit a signed statement generally describing the proposed development and setting forth an intended time schedule for the completion of various phases.
 - (j) Other requirements. Other conditions may be imposed as deemed necessary to fulfill the purpose and intent of this chapter. Such conditions may include but are not limited to planting screens, fencing, construction commencement and completion dates, lighting, operational controls, improved traffic circulation, highway access restrictions, yards, and parking requirements.
5. Requirements for Areas less than Two (2) Acres. A PD-R plan for an area containing less than two (2) acres shall in addition to or in lieu of the requirements elsewhere above, meet the following requirements:
- (a) The density and design of the PD-R shall be compatible in use, size and type of structure, relative amount of open space, traffic circulation and general layout with adjoining land uses, and shall be integrated into the neighborhood.
 - (b) Multi-family structures located adjacent to existing single-family dwellings shall be sited, landscaped and screened by natural features and plant materials to harmoniously integrate the planned development with the surrounding neighborhood.
 - (c) The development shall not overburden existing streets and utilities.
 - (d) The development shall not adversely affect views, light and air, property values and privacy of neighboring properties any more than would a conventional development.



Clark County
Engineer's Department
4075 Laybourne Rd Springfield, Ohio 45505-3613
Bruce C. Smith, P.E., P.S.
Clark County Engineer

Office # (937) 328-2484

Fax # (937) 328-2473

www.clarkcountyoohio.gov/engineer

July 26, 2005

Clark County Planning Commission
25 West Pleasant Street
Springfield, Ohio 45506
Attention: Phil Trittle, Senior Planner

Re: **Z-2005-3 Creekside Condominiums**
Zoning Review Comments

Mr. Trittle,

The County Engineer has reviewed the revised zoning application submitted for **Creekside Condominiums**, relative to the street layout/drainage system and offer the following comments relative to Chapter 4, Section A.Paragraph 4:

- 1) Direct access to a major street is required, where the development density exceeds 4 units per acre. This plan indicates 5.77 units per acre. The proposed development plan does show a proposed public road being planned from Dayton Road south and extending approximately 1400 feet south to a point of terminus.
- 2) The proposed public street must meet or exceed collector street design standards for pavement width, composition and pedestrian traffic. The public road typical section proposed does not currently meet that requirement. These items are not typically reviewed or approved during the zoning process, but instead during the subdivision submission.
- 3) There is no street lighting proposed.
- 4) Provisions for vehicular traffic are addressed by proposing a private street system, consisting of an uncurbed street with enclosed side swales.
- 5) Concerning drainage & stormwater requirements, the site developer will be required to provide storage for stormwater runoff in accordance with local regulations. An outlet is available on site and the actual design will be incorporated into the site design, if approved.

The County Engineer has no objection to the proposal to rezone 14.837 acres from R-2 to PD-R Planned Development Residential, subject to the above comments.

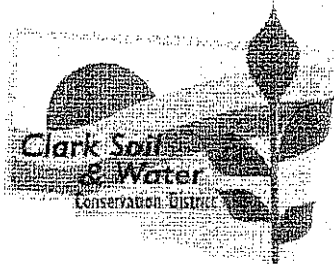
Sincerely,
Bruce C. Smith P.E., P.S.
Clark County Engineer

Kenneth D. Fenton
Deputy Engineer

K:\Miscellaneous Reviews\Creekside Condos\Review comments 061405.doc

Donald Boyle - Road Superintendent
Paul W. DeButy P.E. - Design Engineer
Kenneth D. Fenton, P.S., Deputy Engineer
Doug Frank - Bridge Superintendent
Pamela Fulton - Office Assistant

William A. Pierce, P.S. - LIS Director
Shayne Gray - GIS/CAD Coordinator
Mark Niccolini - Ditch Maintenance Supervisor
Lew Richards - Traffic Supervisor
Ned G. Weber, Deputy Engineer



4400 Gateway Blvd. - Suite 103
Springfield, Ohio 45502

Phone (937) 328-4600/4601
Fax (937) 328-4606

With the Right to Own – Goes the Duty to Conserve

BOARD OF SUPERVISORS

Paul Snyder, Chairman
Alan Donaldson, Vice Chairman
John Ritter, Treasurer
David Stickney, Fiscal Agent
Adam Agle, Secretary

July 26, 2005

Mr. Phil Tritle
Clark County Planning Department
25 West Pleasant St.
Springfield, OH 45506

Re: Z-2005-3~White Oak Communities/Creekside Communities
Dayton Rd. ~ Mad River Twp. ~ 14.8 acres

Mr. Tritle,

The Clark Soil & Water Conservation District has reviewed the above request and provided the following comments regarding soils, drainage and stormwater management.

Soil types on this site include Eldean (EmA), which are nearly level and well drained. Soil limitations for dwellings with or without basements are rated Slight-Moderate due to shrink/swell. Because sewer and water is available, the Soil Potential Index ratings are not included.

Construction activities which will result in the disturbance of one or more acres of land must obtain coverage by the National Pollutant Discharge Elimination System (NPDES) permit. The owner/developer shall submit a Notice of Intent application to Ohio EPA at least 21 days prior to the start of construction. The NPDES Phase II Construction Permit was finalized in 2003 and requires additional components to address stormwater in developments. One specific component includes Post-Construction Stormwater Management. A combination of both structural and non-structural BMPs should be utilized, such as grassed swales, infiltration trenches and basins, and greenspace. It is recommended that a "preliminary SWPPP" be provided to our office for review prior to submittal of final plans to County Planning.

Chapter 4 ~ Planned Development District Requirements and Procedures

Section A. 6. Criteria for Approval.

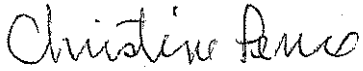
h) That commons areas and open space will be managed and maintained for the long term. Specify how the open areas, specifically along Mud Run will be maintained. Although plans have indicated that the floodplain will be left undisturbed, additional information is needed regarding ownership and maintenance of the area.

Section A. 8. Preliminary PD Plan

10) Location and size of proposed open space, and whether it is to be used for active recreational purposes or only as an environmental amenity. Specify how the open areas, specifically along Mud Run will be maintained. Although plans have indicated that the floodplain will be left undisturbed, additional information is needed regarding ownership and maintenance of the area.

This office does not object to the proposed zoning request, providing the above items are addressed.

Respectfully,



Christine L. Pence, CPESC
Urban Coordinator

CC: Dean Fenton, County Engineers
Scott Owens, Creekside Communities, Inc.

MAD RIVER TOWNSHIP

CLARK COUNTY

Box 34 Enon, Ohio
Office of James Matthews, Clerk

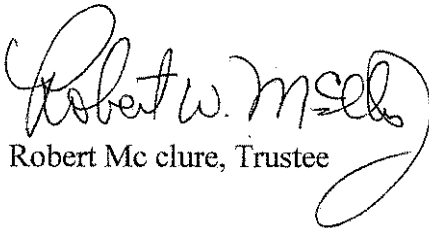
Trustees: Robert Mc Clure, Jr. Kathy Estep Richard Schumann

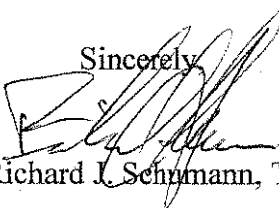
August 1, 2005

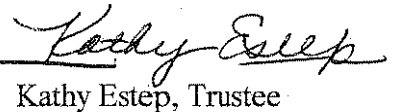
Clark County Planning Commission
25 West Pleasant Street
Springfield Oh 45506

Dear Commission Members,

The Mad River Township Trustees have no objections to and ask that you approve the rezoning requested by White Oak Communities / Creekside Communities, case # Z-2005-3. The request involves the rezoning of 14.836 acres located in Mad River Township from R-2 to PD-R.


Robert Mc clure, Trustee

Sincerely,

Richard J. Schumann, Trustee


Kathy Estep, Trustee

5-21-05

Clark County Planning Comm.
Mr. Tittle

If the Clark County
Rural Zoning Commission
approves this request
2-2005-3 and the
Clark County approves
a rezone from R 2 - to
PDR for the 14.837 acres
is that final.

Could this also be
put to a vote on a
referendum as was the
acreage behind the
Willow PDR.

Its obvious that an Enon
City group and the MRT
Trustees are against growth
and Clark County actions.

Russell D. Harrod



Russell D. Harrod
3033 Willow Run Cir.
Enon, OH 45323

Clark County Planning Commission
25 West Pleasant Street
Springfield, OH 45506

August 3, 2005

Dear Sir or Madam:

Sorry for the late response related to your letter informing me of the rezoning request in case Z-2005-3.

I have reviewed the proposals for both this and SB-2005-02 and have looked specifically at the planned layout of White Oaks Communities Z-2005-3. My property is in Hunters Glen directly behind this proposed development.

I am not opposed to the rezoning or building of additional Condo units in this proposal. I realize development is good for the community as a whole. I have several concerns though. I have tried to review the cases listed on the website the best I can but am unsure if these issues have been addressed.

My main concern is the proposed 'Hunter Drive' which may eventually tie to the proposed development on the vacant adjacent lots. This is the large development of single family homes whose proposal was recently in the Enon paper. I have concerns about noise levels intruding my property from road traffic and radios once this 'thoroughfare' is fully established. To be very frank, I was appalled the planning department is allowing a thoroughfare to be built directly behind homes of this stature. I have grave concerns about the marketability and market value of these homes once this is established. I believe allowing this to happen puts the interest of existing homeowners behind the interest of those who would benefit from the development, be it the developer or the county who collects additional tax revenue.

Mr. Owens' (the developer) recent responses to the various concerns mentioned a 'earthen mound' to be built 'between' the proposed Hunter Drive and the homes in Hunters Glenn. I am unsure if there is enough room for this and the drive now that the swale has been dug. However, as a planning department, I feel it is your responsibility to protect homeowners from unreasonable development and feel if you proceed with approval for Hunter Drive, you should mandate the earthen mound be built. This earthen mound should extend all the way to Mud Run from Dayton-Springfield Road. This may not prevent noise from disturbing the existing Hunters Glenn homeowners but at least it would help to protect the homeowner's privacy.

I also fail to understand why this is necessary to begin with. The development of homes in the vacant acreage could easily be led to other roads to the North & East. This was the proposal that was mentioned in the Enon paper (approx 8-10 months ago?). We all realize nearly all this traffic will ultimately dump onto Dayton-Springfield road.

Another concern is the flood plain. I realize a lot of review has been done regarding developing near a flood plain. I certainly am not an expert on the matter so I trust you are receiving reliable input as to the potential to make matters worse and hope you take protective measures to ensure homes in and near the flood plain are not adversely affected as a result of these proposed developments.

I also have concerns about the traffic on Dayton-Springfield Road. Frankly, this is a dangerous road. There are many entrances to homes, subdivisions and business and there is no turn lane. Traffic normally moves 45-50 mph. I see people 'cringe' hoping they will not be rear-ended by upcoming traffic. With the addition of new condominiums and new homes in the area, I hope you plan to take action to widen this road and install turn lanes.

I am unsure if other homeowners in Hunters Glenn have responded to the issues at hand. I realize people tend to react to situations rather than be proactive. However, I know some of the neighbors directly adjacent to the proposed Hunter Drive and they do share my concerns of the proposed development and I am sure they share my concerns about the proposed Hunter Drive.

I hope you will also take these concerns seriously.

Sincerely



Scott Fallier
4900 Kings Ridge Circle
Fairborn, OH 45324
(937) 864-2466

BYLAWS INDEX

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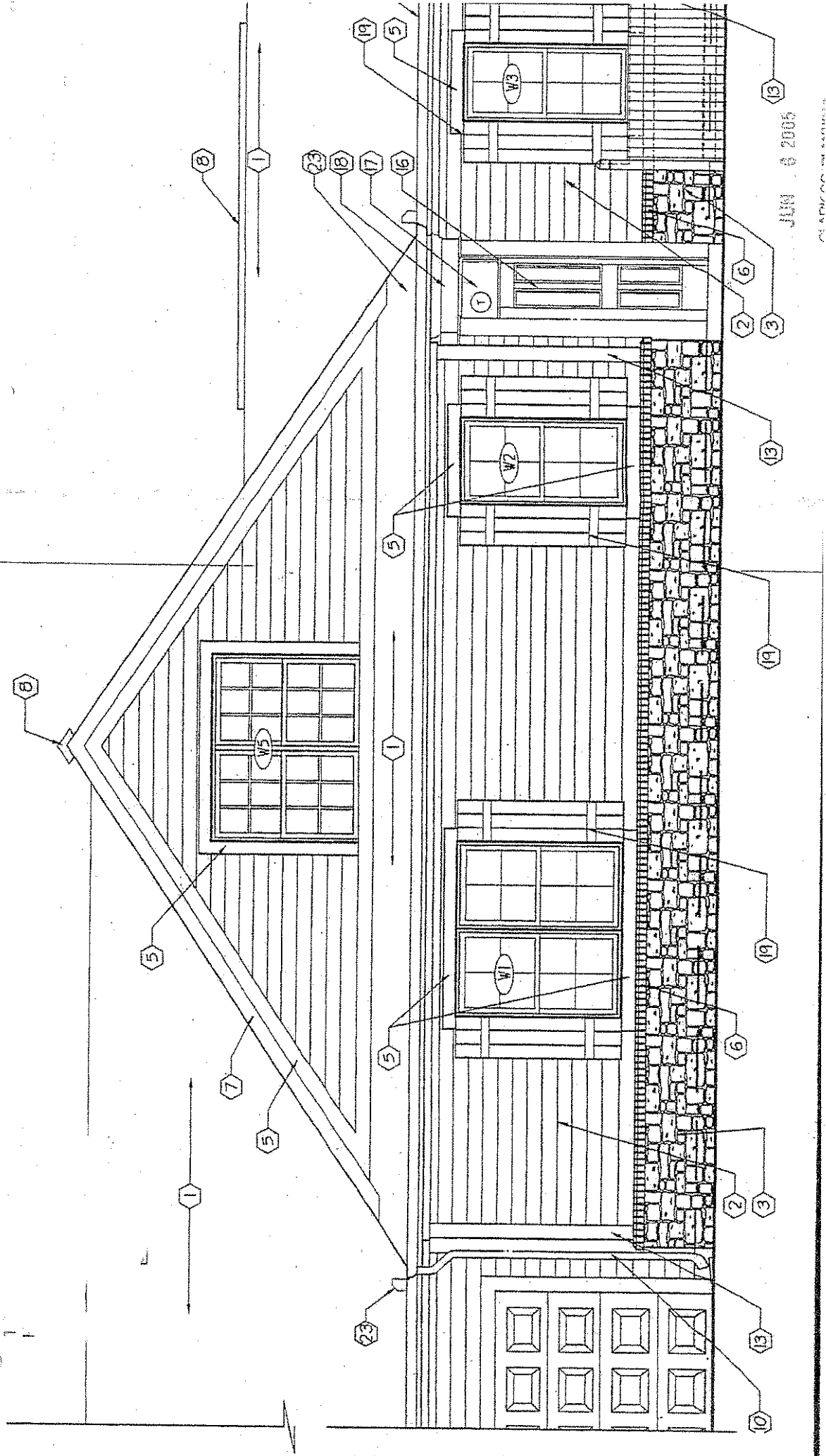
FISCAL YEAR (ARTICLE IX)

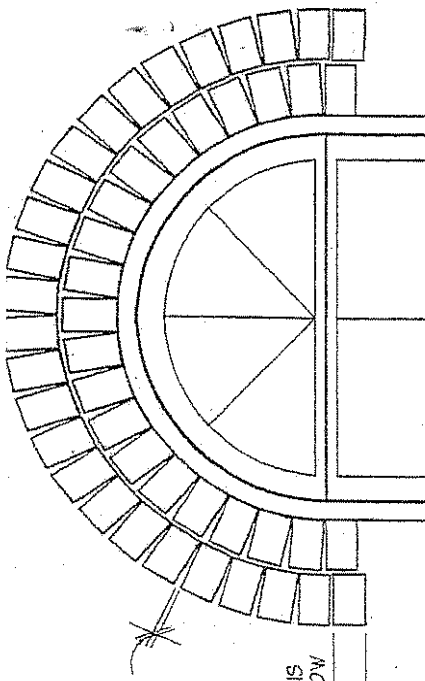
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AMENDMENTS (ARTICLE X)

f

BUILDING STYLE





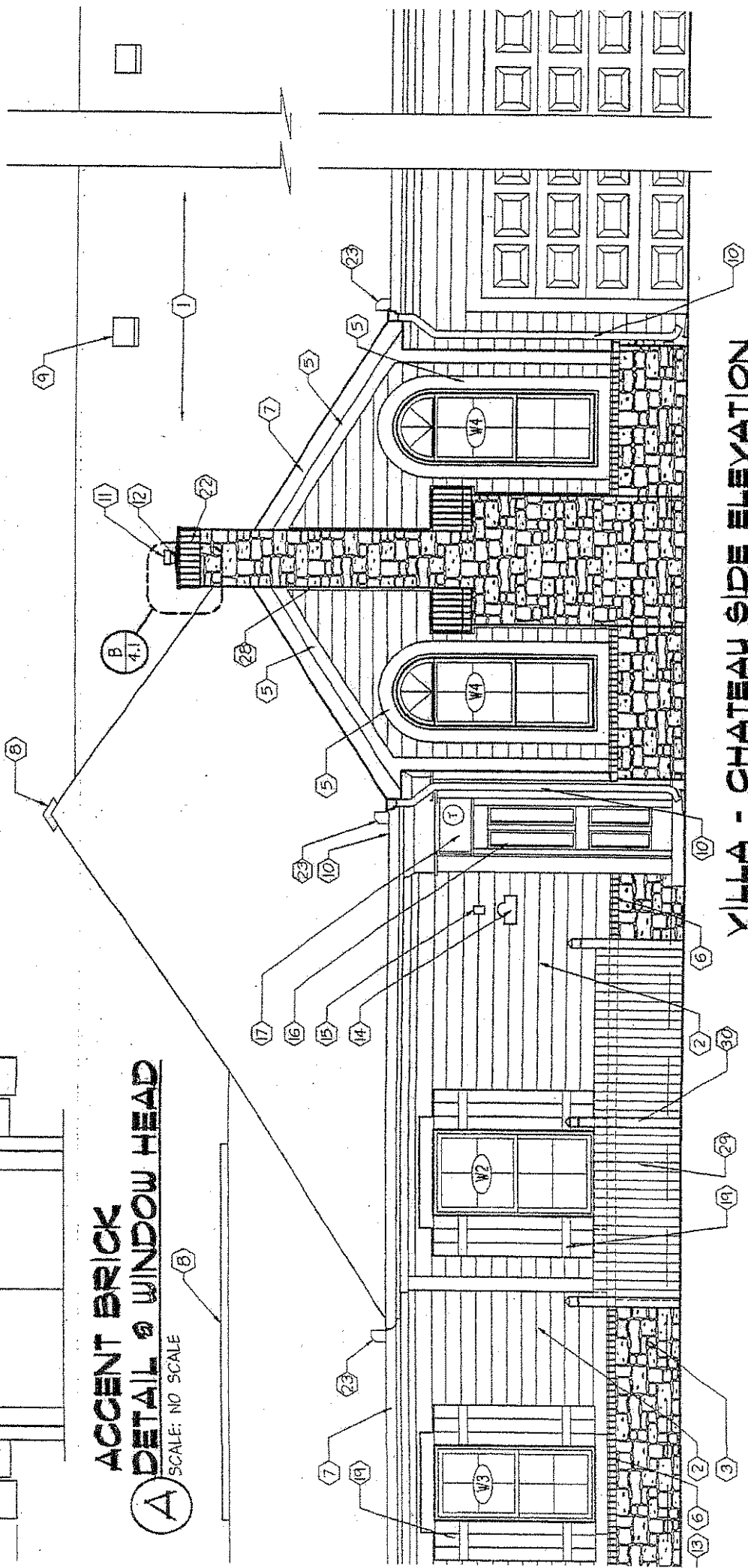
**ACCENT BRICK
DETAIL @ WINDOW HEAD**

SCALE: NO SCALE

A

BUILDING STYLE

- (12) PREFABRICAT
- (13) 5/4 X 4 &
DRIED (PAD)
PROVIDE S&P
- (14) ADDRESS PL
- (15) EXTERIOR LIC
- (16) METAL INSUL
- TRANSOM, RE



VILLA - CHATEAU SIDE ELEVATION

SCALE: 1/4"=1'-0"

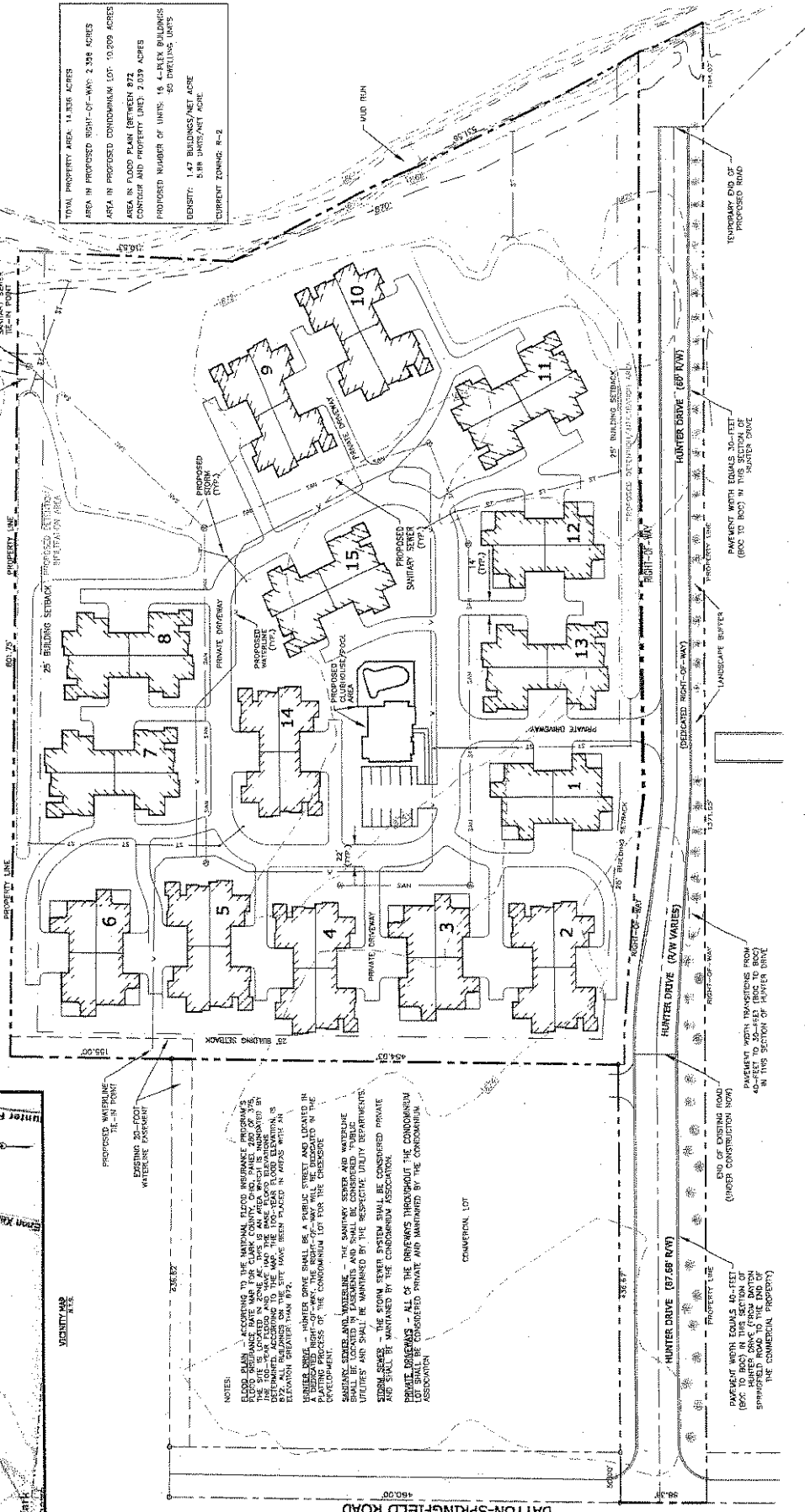
A map of the Dayton area showing major roads and landmarks. A black square labeled "SITE" is located near the intersection of Dayton Springfield Rd and Dayton Rd. Other roads shown include Springfield Rd, Dayton Rd, Holiday Valley, Clark, Hedgesville Rd, Spangler Rd, and various local streets like Chalmers, Chapel Ave, and Blaine Pkwy. The map also shows the Dayton-Kennel Pike and the Dayton-Kennel Pike bridge over the river.

	(S)
	(X)
	(E)
	(T)

100QAY 96-05-0835ED LAYOUT
B/C/S&TV

CREEKSIDESIDE CONDOMINIUMS
Mad River Township
Clark County, Ohio
PRELIMINARY
"PLANNED DEVELOPMENT"
PLAN

SCALE
1" = 50'

[illegible]

LOCATION MAP

Enon River

Springfield Rd

Hunter Rd

Wilkerson Rd

Enon

Hunters Glen

Holiday Valley

Exit 47

T-151

C-315

C-315A

C-318

C-316

C-317

C-319

C-320

C-321

C-322

C-323

C-324

C-325

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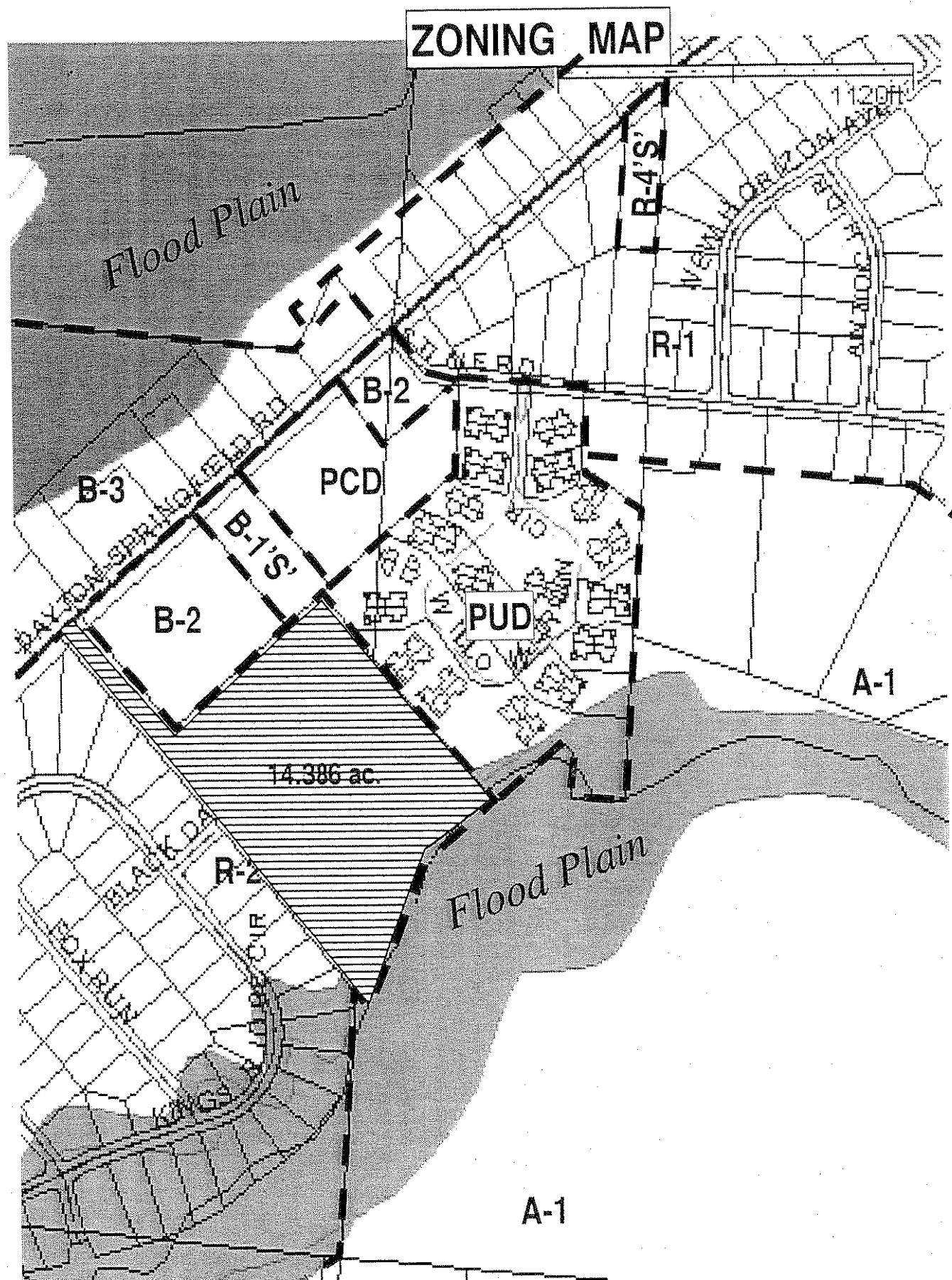
C-701

C-702

C-703

C-704</

REZONING CASE # Z-2005-3 R-2 to PD-R



REZONING CASE #Z-2005-3
R-2 to PD-R

7689 Dayton-Springfield Rd.
14.836 ac.

Mad River Twp.

August 3, 2005

TO: Clark County Rural Zoning Commission

FROM: Planning Staff

SUBJECT: PROPOSED ZONING AMENDMENTS

The Clark County Zoning Inspector has noted several areas of the Clark County Zoning Regulations which are unclear. We agree that these items would be better understood with some minor rewording. Therefore, we have prepared proposed amendments to the County Zoning text as noted on the attached pages.

We are recommending approval of these amendments. These amendments will be forwarded to Rural Zoning Commission and eventually to the Clark County Commission for their consideration and action.

Both sets of changes are in CHAPTER 2 -

SECTION A. combines Agriculture uses & Agricultural Related Processing into one category. In other words, existing uses in 1. & 2. (under CURRENT TEXT) are combined into # 1. (under PROPOSED TEXT)

SECTION A. changes uses 3., 4., & 5. existing as separate items (under CURRENT TEXT) into one item # 2. (under PROPOSED TEXT) with the 40 acre minimum lot and noting the exception for lotsplits, cluster lotsplits and bonus cluster lotsplits. Nothing really changes under this proposal. We think it's less confusing.

SECTION B. under Footnote 2 (CURRENT TEXT) shows a Table indicating *Frontage, Lot Size, and Setbacks* based on available utilities. The revised Table for Footnote 2 (under PROPOSED TEXT) clarifies all of these attributes into a simpler form.

Clark County Planning Commission

Meeting Date: August 3, 2005

Motion by Mr. Cordle, second by Mr. Tackett to recommend **approval** to the Rural Zoning Commission for the request to amend the text of the Clark County Zoning Regulations, CHAPTER 2, Section A and Section B.

VOTE: Yes - Mr. Bicknell, Mr. Cordle, Ms. Jordan, and Mr. Jurick
Pass - Mr. Tackett.

Attachments:

CHAPTER 2, Section A. & Section B.

SECTION A

[eff: 5-3-01]

AGRICULTURAL DISTRICT

A-1 AGRICULTURAL

CURRENT TEXT

PRINCIPAL PERMITTED AND CONDITIONED USES:	MINIMUM ZONING LOT REQUIREMENTS						MAXIMUM HEIGHT		FOOTNOTES (Restrictions)
	LOT SIZE (Area)	FRONTAGE	YARD REQUIREMENTS (Feet)				(Feet)	(Stories)	
			FRONT (Setback) ..	SIDE		REAR (Setback)			
				LEAST WIDTH	SUM of BOTH				
1. Agriculture, Farm Markets, & related buildings & structures	--	--	--	--	--	--	--	--	1, 2, 3, 5, 5a, 16, 31
2. Agricultural-Related Processing & Marketing	1 Acre	150	50	30	60	50	35	2	5, 8
3. Single-Family Residential	40 Acre	500	40	25	60	60	35	2	2, 5, 5a, 6
4. Single-Family Residential (restricted to lotsplits)	1 Acre #	150	40	25	60	60	35	2	2, 5, 5a, 6
5. Single-Family Residential (restricted to cluster lotsplits & bonus cluster lotsplits)	1 Acre #	--	40	25	60	60	35	2	2, 4, 5, 5a
6. Private Landing Field	--	--	--	--	--	--	--	--	7
7. Day-Care Homes	--	--	--	--	--	--	--	--	2, 5, 26
8. Bed and Breakfast [eff: 4-2-2000]	--	--	--	--	--	--	--	--	2, 5, 30

Maximum LOT
SIZE - 4.99 Acre

- * The frontage is measured at the minimum zoning front setback line. Lots 5 to 10 acres in size shall have a minimum frontage of 250 feet and lots more than 10 acres in size shall have a minimum frontage of 350 feet.

PROPOSED TEXT

PRINCIPAL PERMITTED AND CONDITIONED USES:	MINIMUM ZONING LOT REQUIREMENTS						MAXIMUM HEIGHT		FOOTNOTES (Restrictions)	
	LOT SIZE (Area)	FRONTAGE	YARD REQUIREMENTS (Feet)				(Feet)	(Stories)		
			WIDTH * (feet)	FRONT (Setback) ..	SIDE					REAR (Setback)
					LEAST WIDTH	SUM of BOTH				
1. Agriculture, Farm Markets, <u>Agricultural-Related Processing & Marketing</u> & related buildings & structures	<u>1 Acre</u>	<u>150</u>	<u>50</u>	<u>30</u>	<u>60</u>	<u>50</u>	<u>35</u>	<u>2</u>	1, 2, 3, 5, 5a, <u>8</u> , 16, 31	
2. Agricultural-Related Processing & Marketing	1 Acre	150	50	30	60	50	35	2	5, 8	
2. Single-Family Residential <u>EXCEPTIONS to 40 acre -</u>	40 Acre	500	40	25	60	60	35	2	2, 5, 5a, 6	
<u>a. Single-Family Residential (restricted to lotsplits)</u>	1 Acre #	150	40	25	60	60	35	2	2, 5, 5a, 6	
<u>b. Single-Family Residential (restricted to cluster lotsplits & bonus cluster lotsplits)</u>	1 Acre #	--	40	25	60	60	35	2	2, 4, 5, 5a	
3. Private Landing Field	--	--	--	--	--	--	--	--	7	
4. Day-Care Homes	--	--	--	--	--	--	--	--	2, 5, 26	
5. Bed and Breakfast [eff: 4-2-2000]	--	--	--	--	--	--	--	--	2, 5, 30	

Maximum LOT
SIZE - 4.99 Acre

- * The frontage is measured at the minimum zoning front setback line. Lots 5 to ~~10~~ 39.99 acres in size shall have a minimum frontage of 250 feet, lots ~~more than 10~~ more than 10 to 39.99 acres in size shall have a minimum frontage of 350 feet and lots 40 acres or more in size shall have a minimum frontage of 500 feet.

SECTION B [eff: 4-4-96]

SINGLE-FAMILY RESIDENCE DISTRICTS R-1, R-2, R-2A, & R-2B
 REFERENCES TO FOOTNOTES (Restrictions) [Right Hand Column on Table]

CURRENT TEXT

2. All Principal, Conditioned, and Conditionally Permitted Uses shall have a minimum frontage, and lot size (area), and setbacks as noted below: [eff: 6-1-2000]

UTILITIES SERVING PROPERTY	FRONTAGE	LOT SIZE
No public sewer or water * -	150'	1 acre
Public water only -	125'	$\frac{3}{4}$ acre
Public sewer only -	100'	$\frac{1}{2}$ acre

* IN ADDITION TO THE MINIMUM FRONTAGE & LOT SIZE NOTED ABOVE, USES WITHOUT PUBLIC SEWER AND WATER SHALL MEET THE FOLLOWING MINIMUM SETBACK REQUIREMENTS:

SETBACKS -	Front	Side		Rear
	40 feet	<u>Least Width</u> 15 Feet	<u>Sum of Both</u> 50 Feet	60 Feet

PROPOSED TEXT

2. All Principal, Conditioned, and Conditionally Permitted Uses not served by public sewer and/or water shall have a minimum frontage, lot size (area), and setbacks as noted below: [eff: 6-1-2000]

UTILITIES SERVING PROPERTY	FRONTAGE	LOT SIZE	SETBACKS			
			<u>Front</u>	<u>Side</u> (Least Width)	<u>Side</u> (Sum of Both)	<u>Rear</u>
No public sewer or water -	150 feet	1 acre	40 feet	15 feet	50 feet	60 feet
Public water only -	125 feet	$\frac{3}{4}$ acre	35 feet	12 feet	30 feet	50 feet
Public sewer only -	100 feet	$\frac{1}{2}$ acre	35 feet	12 feet	30 feet	50 feet

CLARK COUNTY ZONING

General Uses - see zoning text for details and other restrictions

May 2003

A-1

PRINCIPAL PERMITTED AND CONDITIONED USES:	
1. Agriculture, Farm Markets, & related buildings & structures	
2. Agricultural-Related Processing & Marketing	
3. Single-Family Residential	
4. Single-Family Residential (restricted to lotsplits)	
5. Single-Family Residential (restricted to cluster lotsplits & bonus cluster lotsplits)	
6. Private Landing Field	
7. Day-Care Homes	
8. Bed and Breakfast	
CONDITIONALLY PERMITTED USES: (Requires BZA Approval)	
1. Home Occupations	
2. Private and Public Outdoor Recreation Areas	
3. Cemeteries	
4. Animal Hospitals, Veterinary Clinics & Kennels	
5. Resource and Mineral Extraction	
6. Demolition Disposal Facility	
7. Airports	
8. Radio, Television, & Telecommunications Transmission & Receiving Towers	
9. Hospitals and Auxiliary Facilities	
10. Group Care Home	
11. Nursing Homes, Convalescent Homes, & Rest Homes	
12. Feed Lot, Grain Elevators, & Slaughterhouses	
13. Day-Care Centers	
14. Churches and Similar Places of Worship	
15. Primary and Secondary Schools	
16. Institutions of Higher Learning	
17. Garden Centers and Greenhouse	

AR-1, AR-2, AR-5, AR-10, & AR-25

PRINCIPAL PERMITTED AND CONDITIONED USES:	AR-1	AR-2	AR-5	AR-10	AR-25
1. Agriculture, Farm Markets, & related buildings & structures	Y	Y	Y	Y	Y
2. Single-Family Residences	Y	Y	Y	Y	Y
3. Day-Care Homes	Y	Y	Y	Y	Y
4. Bed and Breakfast	Y	Y	Y	Y	Y
CONDITIONALLY PERMITTED USES: (Requires BZA Approval)	AR-1	AR-2	AR-5	AR-10	AR-25
1. Home Occupations	Y	Y	Y	Y	Y
2. Churches and Similar Places of Worship	Y	Y	Y	Y	Y
3. Primary and Secondary Schools	N	Y	Y	Y	Y
4. Institutions of Higher Learning	N	N	Y	Y	Y

R-1, R-2, R-2A, R-2B

PRINCIPAL PERMITTED AND CONDITIONED USES:	R-1	R-2	R-2A	R-2B
1. Single-Family Dwellings	Y	Y	Y	Y
	N	Y	Y	Y
	N	N	Y	Y
	N	N	N	Y
2. Bed and Breakfast	Y	Y	Y	Y
	N	Y	Y	Y
	N	N	Y	Y
	N	N	N	Y
3. Agriculture and Related Buildings and Structures	--	--	--	--
CONDITIONALLY PERMITTED USES: (Requires BZA Approval)	R-1	R-2	R-2A	R-2B
1. Home Occupation	Y	Y	Y	Y
2. Churches & similar places of worship	Y	Y	Y	Y
3. Primary & Secondary Schools	Y	Y	Y	Y
4. Institutions of Higher Learning	Y	N	N	N
5. Hospitals & Auxiliary Facilities	Y	Y	Y	N
6. Group Care Homes	Y	Y	Y	Y
	N	Y	Y	Y
	N	N	Y	Y
	N	N	N	Y
7. Farm Markets	Y	Y	Y	Y
8. Cemeteries	Y	N	N	N
9. Day-Care Homes	Y	Y	Y	Y
	N	Y	Y	Y
	N	N	Y	Y
	N	N	N	Y
	Y	Y	Y	N
10. Nursing Homes, Convalescent Homes, Rest Homes	Y	N	N	N
11. Radio, Television & Telecommunication Transmission / Receiving Towers	Y	N	N	N
12. Zero Lot Line, Cluster, Detached, Semi-detached Dwellings, or other housing types of a similar character	N	Y	Y	Y

R-MHP

PRINCIPAL PERMITTED USES:
1. Mobile Homes
2. Manufactured Homes
3. Communal Facilities

Y = Yes (Permitted)

N = No (Not Permitted)

R-3 & R-4

PRINCIPAL PERMITTED AND CONDITIONED USES:	R-3	R-4
1. Single-Family Dwellings	Y	Y
2. Two-Family Dwellings	Y	Y
3. Three-Family Dwellings	N	Y
4. Four-Family Dwellings	N	Y
5. Multiple-Family Dwellings	N	Y
6. Condominium Residences	N	Y
7. Agriculture and Related Buildings & Structures	Y	Y
CONDITIONALLY PERMITTED USES: (Requires BZA Approval)	R-3	R-4
1. Zero Lot Line, Cluster, Detached, Semi-detached, or Attached Dwellings, or other housing types of a similar character	Y	Y
2. Home Occupation	Y	Y
3. Churches & similar places of worship	Y	Y
Group Care Homes	Y	Y
5. Day-Care Homes	Y	Y
6. Day-Care Centers	N	Y
7. Community Facilities	N	Y

PD

PRINCIPAL PERMITTED USES:
1. PD-R (Residential)
2. PD-O (Office)
3. PD-B (Business)
4. PD-I (Industrial)
5. PD-M (Mixed Uses)
6. PD-C (Conservation)
CONDITIONALLY PERMITTED USES: (Requires BZA Approval)
1. Home Occupation

CLARK COUNTY ZONING

General Uses - see zoning text for details and other restrictions

May 2003

B-1, B-2, B-3 & B-4

PRINCIPAL PERMITTED AND CONDITIONED USES:	B-1	B-2	B-3	B-4
1. Business and/or Professional Offices	Y	Y	Y	Y
2. Banks & Financial Institutions	Y	Y	Y	Y
3. Eating & Drinking Places, excluding Drive-in or Carry-out	Y	Y	Y	Y
4. Radio and Television Broadcasting Studios	Y	Y	Y	Y
5. Funeral Homes & Mortuaries	Y	Y	Y	Y
6. Automotive Service Stations	Y	Y	Y	Y
7. Custom Butcher Shops	Y	Y	Y	Y
8. Indoor Motion Picture Theaters	N	Y	Y	Y
9. Retail Food Stores	N	Y	Y	Y
10. Drive-in, Fast Food, Drive-in Carry-out Restaurants and/or Drive-through Retail Establishments	N	Y	Y	Y
11. Garden Centers, Greenhouses	N	Y	Y	Y
12. Automotive Repair Garages	N	Y	Y	Y
13. Car Washes	N	Y	Y	Y
14. Air Conditioning, Plumbing, Heating, and Roofing Shops	N	Y	Y	Y
15. Automotive & Auto Accessory Sales	N	Y	Y	Y
16. Building and Related Trades	N	Y	Y	Y
17. Commercial Recreation Establishments	N	Y	Y	Y
18. Animal Hospitals, Veterinary Clinics, and Kennels	N	N	Y	Y
19. Building Material Sales Yard	N	N	Y	Y
20. Drive-In Motion Picture Theater	N	N	Y	Y
21. Private and Public Outdoor Recreation Areas	N	N	Y	Y
22. Motels and Hotels	N	N	Y	Y
23. Hospitals & Auxiliary Facilities	N	N	Y	Y
24. Automotive Body Shop	N	N	Y	Y
25. Carpenter, Sheet Metal & Sign Painting Shop, Bakery, Laundry, Wholesale Business	N	N	N	Y
26. Bottling of Soft Drinks and Milk or Distributing Stations	N	N	N	Y
27. Contractor's Equipment Storage Yard or Storage & Rental Contractor's Equipment	N	N	N	Y
28. Motor Vehicle, Boat, & Camper Storage	N	N	N	Y
29. Trucking and Motor Freight Station or Terminal	N	N	N	Y
30. Carting, Express, or Hauling Establishments	N	N	N	Y
31. Stone or Monument Works	N	N	N	Y
32. Mini-Warehouse or Self Storage Facilities	N	N	N	Y

B-1, B-2, B-3 & B-4

CONDITIONALLY PERMITTED USES: (Requires BZA Approval)	B-1	B-2	B-3	B-4
1. Commercial Recreation Establishments	Y	--	--	--
2. Day-Care Centers	Y	Y	Y	Y
3. Nursing Homes, Convalescent Homes, Rest Homes	Y	Y	Y	Y
4. Clubs, Fraternal or Lodge Organizations	Y	Y	Y	Y
5. Animal Hospitals, Veterinary Clinics, and Kennels	Y	Y	--	--
6. Bars and Taverns	N	Y	Y	Y
7. Wholesale Establishments	N	N	Y	Y
8. Adult Entertainment Establishments	N	N	N	Y

I-1

PRINCIPAL PERMITTED AND CONDITIONED USES:
1. Industrial & Manufacturing Establishments
2. Warehouses
3. Wholesale Establishments
4. Manufacturing Retail Outlets
5. Any use permitted and as regulated as a Principal Permitted or Conditioned Use in the B-4 District
CONDITIONALLY PERMITTED USES: (Requires BZA Approval)
1. Any use permitted and as regulated as a Conditionally Permitted Use in the B-4 District
2. Junkyards & Automobile Wrecking Yards
3. Resource and Mineral Extraction
4. Penal & Correctional Facilities
5. Sanitary Landfills

O-1 & OR-2

PRINCIPAL PERMITTED AND CONDITIONED USES:	O-1	OR-2
1. Business and/or Professional Offices, including Medical and Dental Clinics	Y	N
2. Banks and Financial Institutions	Y	N
3. Law, Real Estate, and Insurance Offices	Y	N
4. Business Service Establishments	Y	N
5. Single-Family Dwellings	N	Y
6. Incidental Business Uses	N	Y

Y = Yes (Permitted)

N = No (Not Permitted)